

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

VS.

GREGORY HOFFMAN,

Defendant.

Case No.: 2:08-cr-00027-GMN-GWF

ORDER

Before the Court is Defendant Gregory Hoffman’s Motion for Affirmative Relief, and Motion to Compel Court for Opinion (ECF No. 146). The Court finds that this motion is a successive § 2255 petition as it raises claims that a defendant could have sought under that section. *See, e.g., United States v. Buenrostro*, 638 F.3d 720, 722 (9th Cir. 2011) (treating Rule 60(b) motion as successive § 2255 petition because it raised a claim of ineffective assistance of counsel). The Court also finds that the Defendant’s motion has been filed without permission from the Court of Appeals. *See* 28 U.S.C. §§ 2244, 2255; *see also United States v. Lopez*, 577 F.3d 1053, 1061 (9th Cir. 2009) (“[A] petitioner must move for authorization from [the Court of Appeals] to file a “second or successive” § 2255 motion in the district court . . .”). Accordingly, the Government’s Motion to Dismiss (ECF No. 147) is **GRANTED** and the Defendant’s Motion to Compel (ECF No. 146) is **DISMISSED**.

DATED this 19th day of March, 2014.

Gloria M. Navarro, Chief Judge
United States District Judge